

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Corey A Askew v Department of Corrections**  
Docket No. **275278**

William C. Whitbeck, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees pursuant to MCR 7.202(4) and 7.204(B)(2) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Plaintiff, however, is not required to pay an initial, partial filing fee. Instead, plaintiff shall submit a copy of this order and refile the pleadings within 21 days of the certification of this order if he wants his complaint for mandamus to go forward. If plaintiff follows the above procedure, he becomes responsible for paying the \$375 filing fee and may not file another civil appeal or original action in this Court until such time that either the Department of Corrections remits or he pays the entire outstanding balance due. Failure to comply with this order shall result in the complaint for mandamus not being filed in this Court and plaintiff not being responsible for paying the filing fee.

If plaintiff refiles the pleadings within the time allotted, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to his account until the payments equal the balance due of \$375. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or a civil appeal until he pays the entire outstanding balance due.

The Clerk of this Court shall furnish two copies of this order to plaintiff and return his pleadings with this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**JAN 25 2007**

Date

*Sandra Schultz Mengel*  
Chief Clerk